

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

Aron Freeland,
Petitioner below, Petitioner

v.) No. 24-465 (Randolph County CC-42-2024-C-109)

Russell Maston, Superintendent,
Saint Marys Correctional Center,¹
Respondent below, Respondent

MEMORANDUM DECISION

Petitioner Aron Freeland appeals the July 12, 2024, order of the Circuit Court of Randolph County denying his petition for a writ of habeas corpus.² The petitioner argues that the court abused its discretion in denying his habeas petition due to improper venue.

The Court has considered the parties' briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. This case satisfies the "limited circumstances" requirement of Rule 21(d) of the Rules of Appellate Procedure and is appropriate for a memorandum decision rather than an opinion. For the reasons expressed below, the decision of the Circuit Court of Randolph County is vacated, and this case is remanded with directions to transfer the case to the Circuit Court of Monongalia County, which is the court where the petitioner was convicted in the underlying criminal case.

In 2018, the petitioner was indicted in the Circuit Court of Monongalia County for two counts of second-degree sexual assault in Monongalia County Case No. 18-F-333. In March 2022, the petitioner pled guilty to first-degree sexual abuse as a lesser included offense of count one and to abduction of a person as a lesser included offense of count two. The Circuit Court of Monongalia County sentenced the petitioner to one to five years of incarceration for first-degree sexual abuse and three to ten years of incarceration for abduction of a person, to be served concurrently with each other but consecutively to a sentence the petitioner was already serving.³

¹ The petitioner is currently incarcerated at Saint Marys Correctional Center. That superintendent has been substituted as the respondent. *See* W. Va. R. App. P. 41(c).

² The petitioner is self-represented. The respondent appears by Attorney General John B. McCuskey and Assistant Attorney General Mary Beth Niday.

³ In a separate case, Monongalia County Case No. 03-F-132, the petitioner is serving an aggregate sentence of twenty to fifty years of incarceration for convictions on two counts of

In July 2024, the petitioner filed a petition for a writ of habeas corpus in the Circuit Court of Randolph County.⁴ The petitioner sought to challenge his convictions in Monongalia County Case No. 18-F-333 by alleging that correctional officials at Huttonsville Correctional Center and Jail (“Huttonsville”), which is located in Randolph County, denied him access to the law library and to his lawyer’s phone calls in the days preceding the entry of his guilty pleas in March 2022. On July 12, 2024, the Circuit Court of Randolph County denied the habeas petition due to improper venue.

The petitioner now appeals the July 12, 2024, order. We have announced the applicable standard of review:

In reviewing challenges to the findings and conclusions of the circuit court in a habeas corpus action, we apply a three-prong standard of review. We review the final order and the ultimate disposition under an abuse of discretion standard; the underlying factual findings under a clearly erroneous standard; and questions of law are subject to a *de novo* review.

Syl. Pt. 1, *Mathena v. Haines*, 219 W. Va. 417, 633 S.E.2d 771 (2006).

On appeal, the petitioner argues that the circuit court abused its discretion in denying his habeas petition due to improper venue. The respondent acknowledges that, shortly after the denial of the instant habeas petition, the Circuit Court of Randolph County transferred another of the petitioner’s habeas petitions to Monongalia County. In Syllabus Point 5 of *State ex rel. McLaughlin v. Vickers*, 207 W. Va. 405, 533 S.E.2d 38 (2000), we held, in pertinent part, that, if “the allegations set forth in the habeas petition relate to the petitioner’s conviction and/or sentencing[,] . . . then practical considerations and judicial economy ordinarily dictate that it be transferred to the county wherein the petitioner was convicted and sentenced.” In his habeas petition, the petitioner alleges that the conduct of correctional officials, including denying him access to the law library and permission to speak with his counsel, prejudiced him in the underlying criminal action, Monongalia County Case No. 18-F-333, thus entitling him to relief from his convictions. The circuit court did not err in finding that venue was improper in Randolph County. However, pursuant to Syllabus Point 5 of *McLaughlin*, the circuit court should have transferred

second-degree sexual assault. *See Freeland v. Ballard*, No. 11-0126, 2013 WL 1395890, at *3 (W. Va. Apr. 5, 2013) (memorandum decision).

⁴ This Court granted the petitioner’s motion to proceed on a designated record. While there is no document in the designated record entitled “petition for a writ of habeas corpus,” the record contains a “motion for appointment of counsel and expedited status hearing” filed by the self-represented petitioner. The parties identify this “motion for appointment of counsel and expedited status hearing” as the habeas petition subject to this appeal. *See* Syl. Pt. 6, *In re Michael Ray T.*, 206 W. Va. 434, 525 S.E.2d 315 (1999) (“The responsibility and burden of designating the record is on the parties, and appellate review must be limited to those issues which appear in the record presented to this Court.”).

the habeas case to Monongalia County. Because the circuit court erred by simply denying the habeas petition, we vacate the July 12, 2024, order and remand this case with directions for the Circuit Court of Randolph County to transfer the case to the Circuit Court of Monongalia County.⁵

Vacated and Remanded with Directions.

ISSUED: September 10, 2025

CONCURRED IN BY:

Chief Justice William R. Wooton
Justice C. Haley Bunn
Justice Charles S. Trump IV
Justice Thomas H. Ewing
Senior Status Justice John A. Hutchison

⁵ While we vacate and remand this case with directions to transfer it to the Circuit Court of Monongalia County, we express no opinion regarding the merits of the petitioner's claims.